IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14038 of 2004

Between:

Windows of the World, Cyber Towers, Hitech City, Madhapur, rep by Amogh Hotels Ltd., Tejaswini Complex, 6th Floor, Punjagutta, Hyderabad rep. by Managing Director, Sri B.S. Nellakanta
S/o.Late Sri Somasekharam R/o Hyderabad

..... PETITIONER

AND

Employees Provident Fund Organization, rep.by Asst. P.F. Commissioner, Regional Officer, Circle-I, Barkatapura, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or issue a Writ, particularly one in the nature of Writ of Mandamus, declaring that the proceedings AP/34811/A, dated 23-1-2004/11.2.2004 of the respondent as illegal and consequently to set a side the same.

Counsel for the Petitioner: MR.B.G.RAVINDER REDDY

Counsel for the Respondent: MR.R.N.REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14038 OF 2004

ORDER:

The Assistant Provident Fund Commissioner, Hyderabad, determined the amount of Employees Provident Fund arrears payable by petitioner under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act). The petitioner has an effective remedy by way of appeal under Section 7I of the Act. However, the petitioner filed a petition before the respondent purporting to be a review petition under Section 7B of the Act. He alleges that while the review is pending, the respondent is taking coercive steps against petitioner for payment of the money. Therefore, he assails the order passed by the respondent under Section 7A of the Act.

Section 7B of the Act gives a statutory remedy to a person aggrieved by an order under Section 7A of the Act. In that view of the matter, as the petitioner has already availed a statutory remedy by way of review, this Writ Petition is not maintainable as held by the Supreme Court in **Bombay Metropolitan Region Development Authority v. Gotak Patel Volkart**. If the petitioner is aggrieved by any alleged coercive steps for recovery of the amount, he may approach the respondent for

proper remedy. As and when the petitioner approaches, the respondent may pass final orders on the review petition within a period of ten days from the date of receipt of this order. In this Writ Petition no relief can be granted.

With the above observations, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

10.8.2004

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// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Provident Fund Commissioner,

Employees Provident Fund Organization, Regional Office, Circle-I,

Barkatapura, Hyderabad

2. 2 CD copies